

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

| | | |
|----------------------------------|---|---------------------|
| CHUGAI PHARMACEUTICAL CO., LTD., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 18-1802-MN |
| |) | |
| ALEXION PHARMACEUTICALS, INC., |) | |
| |) | |
| Defendant. |) | |

**STIPULATION AND ORDER OF DISMISSAL
WITH PREJUDICE OF CLAIMS IN THIS LITIGATION**

WHEREAS, Plaintiff and Counterclaim-Defendant Chugai Pharmaceutical Co., LTD. (“Chugai”) and Defendant and Counterclaim-Plaintiff Alexion Pharmaceuticals, Inc. (“Alexion”) (collectively, “the Parties”) have resolved all claims and counterclaims concerning Chugai’s allegations concerning United States Patent No. 9,890,377 and United States Patent No. 10,472,623 (collectively, “the Patents-in-Suit”) and products containing ravulizumab (“the Accused Product”), and have signed a written settlement agreement, dated March 17, 2022.

It is hereby stipulated by the Parties, through their attorneys of record, subject to the approval of the Court, that:

1. All of the Parties' respective claims and counterclaims related to the Patents-in-Suit and the Accused Product are dismissed with prejudice;
2. Nothing in this Stipulation shall affect in any way any rights, claims, counterclaims, defenses, or affirmative defenses of any of the Parties relating to the Patents-in-Suit should those patents or patents claiming priority to a patent application to which the Patents-in-Suit claim priority be asserted against any product other than the Accused Product.
3. Each Party shall bear its own attorneys' fees, costs, and expenses; and
4. The Court retains jurisdiction to enforce the Parties' written settlement agreement.

Respectfully submitted,

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Attorneys for Defendant
ALEXION PHARMACEUTICALS,
INC

Dated: March 17, 2022

SO ORDERED on this _____ day of _____, 2022

J.